

CITY OF LYNNWOOD

ORDINANCE NO. 3425

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, REVISING THE CITY CENTER PLANNED ACTION AND RELATED REGULATIONS; AMENDING LMC 17.02.300; REPEALING LMC 21.60.800; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and

WHEREAS, the Washington State Environmental Policy Act (SEPA) authorize cities planning under the Growth Management Act (GMA) to designate planned actions that have had their significant impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with a comprehensive plan, sub-area plan or a master planned development; and

WHEREAS, on September 9, 2004, the City of Lynnwood prepared a Final Supplemental EIS (Final SEIS) for the City Center Subarea Plan and adoption of implementing development regulations; and

WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553 adopting the City Center Subarea Plan as an amendment to the City of Lynnwood Comprehensive Plan; and

WHEREAS, the Final SEIS identifies significant environmental impacts and mitigation measures associated with development in the City Center Subarea (City Center); and

WHEREAS, the probable significant adverse environmental impacts of development in the City Center are adequately addressed in the Final SEIS; and

WHEREAS, the City Center is located within an urban growth area, as defined in RCW 36.70A.030, and has a geographical boundary less extensive than the jurisdictional boundaries of the City of Lynnwood; and

WHEREAS, on March 14, 2005, the City Council passed Ordinance No. 2554 adopting the City Center District (CC) Zone and enacting LMC 21.60.800;

WHEREAS, on May 14, 2012, the City Council passed Ordinance No. 2943 adopting the City Center Planned Action Ordinance and enacting LMC 17.02.300; and

WHEREAS, since 2012, development has accelerated in anticipation of the Lynnwood Link Extension opening in 2024, prompting a review of the Final SEIS through which it was determined that Alternative B “Preferred Alternative” would not implement the Community Vision; and

39 WHEREAS, on March 18, 2022, the City of Lynnwood SEPA Official issued an
40 addendum to the Final SEIS that reviewed possible impacts of Alternative C – Amended; and

41 WHEREAS, on April 25, 2022, the City Council of the City of Lynnwood held a duly
42 noticed public hearing to accept public testimony on the amendments to the City Center Planned
43 Action Ordinance stated in this Ordinance; and
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45 WHEREAS, after carefully considering testimony and other information presented at the
46 public hearing, the Lynnwood City Council determined that amending the Planned Action
47 Ordinance for the City Center, as stated in this Ordinance, is appropriate; and
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49 WHEREAS, adopting a SEPA planned action for the City Center with appropriate
50 standards, criteria and permit review procedures will help achieve permit processing efficiency
51 and promote environmental quality; and

52 WHEREAS, it is desired to have administrative procedures in place for the evaluation of
53 planned action proposals; now therefore

54 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
55 ORDAIN AS FOLLOWS:

56 **Section 1: Findings.** Upon consideration of the provisions of this Ordinance, the City Council
57 finds that the new code and amendments contained herein are: a) consistent with the
58 comprehensive plan; and b) substantially related to the public health, safety, or welfare; and c)
59 not contrary to the best interest of the citizens and property owners of the city of Lynnwood.

60 **Section 2: Purpose.** The purpose of this Ordinance is to ensure implementation of the
61 Community Vision of a City Center through a coordinated and expedited land use approval
62 process meeting market demands.

63 **Section 3: LMC Title 17 State Environmental Policy Act.** LMC 17.02.300 is amended to read
64 as follows:

65 A. Purpose. The city declares that the purpose of this section is to:

- 66 1. Combine environmental analysis with land use planning; and
- 67 2. Designate projects in the city center sub-area as “planned actions” consistent with state
68 law (RCW 43.21C.031); and
- 69 3. Streamline and expedite the land use permit review process by relying on completed and
70 existing environmental analysis for the city center subarea; and
- 71 4. Apply the Lynnwood Municipal Code, along with the mitigation framework of this
72 section, to process project applications as planned actions.

73 B. Findings. The city council finds that:

- 74 1. The city is required to prepare and implement plans in accordance with the provisions of
75 the Washington State Growth Management Act (GMA), Chapter 36.70A RCW.

76 2. The city has adopted a comprehensive plan and city center subarea plan in compliance
77 with the GMA.

78 3. Based on the report prepared by Lynnwood staff and reviewed by the city council in
79 connection with the passage of the ordinance codified in this section, the environmental
80 impacts of a planned action comprised of the city center subarea (city center) have been
81 identified and adequately addressed in the Lynnwood city center final supplemental
82 environmental impact statement dated September 9, 2004 as amended.

83 4. A planned action comprised of the city center:

84 a. Is a subsequent or implementing project covered by the final SEIS, the city
85 comprehensive plan and the city center subarea plan; and

86 b. Is not an essential public facility, as defined in RCW 36.70A.200 or the city of
87 Lynnwood comprehensive plan; and

88 c. Is consistent with the comprehensive plan and the city center subarea plan.

89 5. The final SEIS was prepared pursuant to RCW 43.21C.031 in anticipation of the city
90 center being designated a planned action.

91 6. There are no specific mitigation measures, other than development regulations and
92 payment of all impact fees and other fees required by the city code, that must be applied to
93 a project application for development in the city center.

94 7. A streamlined process for review of project applications for development in the city
95 center will benefit the public, protect the environment, and enhance economic
96 development.

97 8. Opportunities for public involvement and review have been provided, and comments
98 considered, as part of preparation of the draft and final SEIS for the city center subarea
99 plan, implementing development regulations and amendments thereto, and the ordinance
100 codified in this section.

101 C. Qualifying criteria for evaluating and determining projects as city center planned actions.

102 1. Planned Action Area. A proposed project must be located in the city center, which shall
103 be comprised of an approximately 250-acre area generally bounded by 194th Street SW
104 and the planned extension of 194th St. on the north; 33rd Avenue West on the east;
105 Interstate 5 on the southeast; and 48th Avenue West on the west, as depicted in the diagram
106 attached as Exhibit A to the ordinance codified in this section.

107 2. Environmental Documents. Review of a project proposed as a planned action for a site-
108 specific development permit application shall be based on the environmental analysis
109 contained in the city center planned action environmental impact statement composed of
110 the final supplemental EIS (September 9, 2004) and issued addendums.

111 3. Planned Action Qualifications. The following criteria and thresholds shall be used to
112 determine whether a proposed project qualifies as a city center planned action:

113 a. Land Use. The project land uses and activities must be permitted in the city center
114 zoning district (Chapter 21.60 LMC). The project may include the demolition of
115 existing buildings and/or demolition/construction of parking facilities. The project
116 shall not be for new public street projects that would not otherwise be exempt from
117 WAC 197-11-800.

118 b. Development Thresholds. The proposed project, combined with city center projects
119 approved by or pending with the city, cumulatively do not exceed the development
120 envelope established by the final SEIS, as shown in the following City Center
121 Summary Development Table (Table 17.02.01). Table 17.02.01 identifies the
122 maximum amount of planned action development for SEPA purposes. Development
123 could occur anywhere within the city center and at potentially differing rates from the
124 estimates.

Table 17.02.01 City Center Summary Development Table

Land Use		Development Capacity
Non-Residential	Office	4.25M SF(2)
	Retail	1.5M SF
	Lodging	850,000 SF
Residential	Housing	6,000 DU / 5.7M SF
Total Development:		12.3M SF (1)
SF – Square Feet; M SF – Million Square Feet; DU – Dwelling Unit		

125 Notes:
126 1. Includes existing development.
127 2. Office use includes institutional uses.

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130 c. A geographic shifting of development among uses within the city center is allowed;
131 provided, that:
- 132 i. The development does not exceed the aggregate amount of development
133 provided in Table 17.02.01; and
- 134 ii. The impacts of the development have been identified and mitigated by
135 applicable adopted development regulations.
- 136 d. Elements of the Environment Analyzed in the Final SEIS. A project that would
137 result in new significant adverse environmental impacts that were not identified in the
138 EIS shall not qualify as a planned action.
- 139 e. Time Horizon. A proposed city center project application may be considered a
140 planned action; provided, that total development shown in Table 17.02.01 (City
141 Center Summary Development Table) has not been constructed, or until the year
142 2032, whichever occurs first.
- 143 f. Significant Changes. If the project significantly changes the assumptions for the
144 environmental analysis identified in the final SEIS, the project shall not qualify as a
145 planned action and the SEPA responsible official shall require additional SEPA
146 review.
- 147 g. Exceeding Total Development. A proposed city center project application that
148 exceeds the total development shown in Table 17.02.01 (City Center Summary
149 Development Table) may be considered following review under Title 17, including
150 SEPA.

151 D. Applications for planned actions shall be processed in accordance with LMC 17.02.029.

152 **Section 4: LMC Title 21 Zoning.** LMC 21.60.800 is hereby repealed.

153 **Section 5. Effective Date.** This ordinance or an approved summary thereof consisting of its
154 title shall be published in the City’s official newspaper of record and shall take effect and
155 be in full force five days following its publication.

156 **Section 6. Severability.** If any section, sentence, clause or phrase of this ordinance should be
157 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
158 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,
159 clause or phrase or word of this ordinance.

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PASSED BY THE CITY COUNCIL THIS 12th day of September, 2022.

APPROVED:

DocuSigned by:
Christine Frizzell 9/13/2022
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Christine Frizzell, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Lisa Marshall
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Lisa Marshall, City Attorney

ATTEST/AUTHENTICATED:

DocuSigned by:
Luke Lonie
9850FC9ACFCA4CF...
Luke Lonie, Interim City Clerk